



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,290	09/08/2004	Ashish Gupta	70655.5000	5289

66170 7590 03/23/2010

Snell & Wilmer L.L.P. (AMEX)
ONE ARIZONA CENTER
400 E. VAN BUREN STREET
PHOENIX, AZ 85004-2202

EXAMINER

EBERSMAN, BRUCE I

ART UNIT	PAPER NUMBER
----------	--------------

3691

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

03/23/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

HSOBELMAN@SWLAW.COM
DMIER@SWLAW.COM
JESLICK@SWLAW.COM

Office Action Summary	Application No. 10/711,290	Applicant(s) GUPTA, ASHISH	
	Examiner BRUCE I. EBERSMAN	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/8/10 has been entered.

Claims 1-25 presented for examination. On 2/8/10, applicant filed an amendment, amending claims 1-6, 8-9,13,14,22,25. After careful consideration of the applicant's arguments and amendments, the examiner finds them to be moot in view of new grounds of rejection. This action is a non-final Rejection of the claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1,3,5-14,16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication 2004/0117302 to Weichert in view of US

Art Unit: 3691

Patent Publication 2003/0061157 to Hirka further in view of US Patent 7318049 to Iannacci

As per claim 1, Weichert discloses;

receiving, by a computer for facilitating use of
a transaction account, (029, two accounts)

recognizing, by said computer, said common account identifier as being associated with more than one account; determining, by said computer, based on selection criteria, (0004, 0032, and 0106 common identifier identifies user to multiple accounts)

one of said first transaction account and said second transaction account to access for processing a transaction, resulting in a selected transaction account, Weichert (0029-30 discuss multiple accounts)

processing, by said computer, the transaction via said selected transaction account.

(0050-1, computers are utilized in Weichert to initiate and process transactions, enable them, as is the internet)

Weichert does not explicitly disclose;

a common account identifier, wherein a common transaction account is associated with
said common account identifier, wherein said common transaction account is
associated with a first transaction account and a second transaction account,
wherein said first transaction account is associated with a first account identifier and a
first authorizer, and (023 authorization is provided for the first action)

Art Unit: 3691

wherein said second transaction account is associated with a second account identifier and a second authorizer;

wherein said selection criteria further include said first transaction account being selected in response to a transaction amount being within a first range of amounts, and said second transaction account being selected in response to said transaction amount being within a second range of amounts,

said first range of amounts and said second range of amounts being non-overlapping; accessing, by said computer, said selected transaction account based on said determining step;

communicating, by said computer, an authorization request to at least one of said first authorizer

and said second authorizer in response to said computer determining said transaction is processed by a respective at least one of said first transaction account and said second transaction account; and

Hirka teaches;

a common account identifier, wherein a common transaction account is associated with said common account identifier, wherein said common transaction account is associated with a first transaction account and a second transaction account, (Hirka 022, access to multiple accounts by routing transaction based on additional data 023, master account number and multiple accounts to be accessed, all through same institution)

Art Unit: 3691

wherein said first transaction account is associated with a first account identifier and a first authorizer, and (0023 authorization is provided for the first action)

wherein said second transaction account is associated with a second account identifier and a second authorizer; (0023)

wherein said selection criteria further include said first transaction account being selected in response to a transaction amount being within a first range of amounts, and said second transaction account being selected in response to said transaction amount being within a second range of amounts, (0051, all transactions less than \$5 use stored value card, between 5-\$50 use debit, >50 use credit, this example could be utilized for two as well as three or more rules, ranges or accounts)

said first range of amounts and said second range of amounts being non-overlapping; accessing, by said computer, said selected transaction account based on said determining step; (0050-51, the ranges of usage of cards appear to be non-overlapping, otherwise, there would be a tie and the system would not know what to do) It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to combine the payment management system of Weichert with the multi-function card system of Hirka with various mechanisms for choosing the account to be used based on rules tied to amounts for the motivation of creating a convenient multipurpose card capable of debiting multiple accounts.(0002)

Weichert and Hirka disclose all elements of the present invention but, do not explicitly disclose;

Art Unit: 3691

communicating, by said computer, an authorization request to at least one of said first authorizer

and said second authorizer in response to said computer determining said transaction is processed by a respective at least one of said first transaction account and said second transaction account;

Iannacci teaches;

communicating, by said computer, an authorization request to at least one of said first authorizer

and said second authorizer in response to said computer determining said transaction is processed by a respective at least one of said first transaction account and said second transaction account; and (Iannacci col. 19, 45-60 describes multiple authorization

codes from multiple payment providers or singular, ie either or or both)

would therefore have been obvious to one of ordinary skill in the art at the time of the invention to combine the payment management system of Weichert with the multiple authorizations of Iannacci for the motivation of providing a system which provides a flexible payment processing system so that the user can pay in the most efficient and incentive rich manner. (col. 1, lines 35-50)

As per claim 3, Weichert discloses; the step of replacing said common account identifier with one of said first and second transaction account identifiers associated with said selected transaction account during at least one of the accessing and processing steps. (0032, Weichert allows the use of either a common account number or can work with

Art Unit: 3691

the account number of one account)

As per claims 5,13 Weichert discloses wherein a merchant is only provided with a common account identifier ((0004, 0032, and 0106 common identifier identifies user to multiple accounts)

As per claims 6,14 Weichert discloses common account identifiers (0032, 0036-7) does not explicitly disclose;

Weichert, and Hirka do not explicitly disclose;

Receiving by said computer an authorization from at least one first authorizer and said second authorizer; and authorizing by said computer said transaction amount to said common account.

Iannacci teaches;

Receiving by said computer an authorization from at least one first authorizer and said second authorizer; and authorizing by said computer said transaction amount (col. 19, 45-60,

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to combine the payment management system of Weichert with the multiple authorizations of Iannacci for the motivation of providing a system which provides a flexible payment processing system so that the user can pay in the most efficient and incentive rich manner. (col. 1, lines 35-50)

Art Unit: 3691

As per claim 7, Weichert discloses; selection criteria is modifiable_by a user of said first and second transaction accounts. (029-32, various methods of selection are disclosed)

As per claim 8, Weichert discloses; a settlement process comprising :
processing a request for payment to a merchant when said merchant submits a
settlement record (067)associated with said common account identifier; (032)
recording transactions processed as settlement records in a settlement table; and
paying said merchant. (067)

As per claim 10, Weichert discloses; first and second transaction accounts each
includes at least one of a credit account, debit account, loyalty account, phone card
account and a stored value account. (041, credit and debit, claim 9 stored value)

As per Claim 11, Weichert discloses; said first and second transaction accounts each
includes at least one of a credit account, debit account, loyalty account, phone card
account and a stored value account, and wherein one of said first and second
transaction accounts is represented by a physical instrument having associated
therewith indicia representing said common account identifier. (0041,0071)

Art Unit: 3691

As per claim 12, Weichert discloses; wherein the common account identifier is the first transaction account identifier. (032, enabler stores a number of payment accounts, including the payment account)

As per claim 16, Weichert discloses; said selection criteria include at least one of transaction specific input based criteria and default criteria. (029-32), default – (029), specific, (030-31)

As per claim 17, Weichert discloses; selection criteria include at least one of transaction specific input based criteria and default criteria, (030-criteria) and wherein said transaction specific input based criteria include at least one, of prompts at an ATM, and prompts at a point of sale terminal (pos). (032, POS, prompts)

As per claim 18, Weichert discloses; selection criteria comprise at least one of transaction specific input based criteria and default criteria, and wherein said default criteria comprise at least one of owner selected rules and card provider rules. (0110, user rules, 0108-default criteria, determine if balance is sufficient)

As per claim 19, Weichert discloses; [Claim 1 9] The system of claim 9, wherein said selection criteria include at least one of transaction specific input based criteria and default criteria, and wherein said default criteria include at least one of minimum fund

Art Unit: 3691

amount rules, maximum fund amount rules, type of transaction rules, and type of merchant rules. (minimum balance rules 0107)

As per claim 20, Weichert discloses; criteria comprise at least one of transaction specific input based criteria and default criteria, and Weichert (059, variety of different prioritization schemes) Weichert further discloses accessing a second account if the first account is inadequate (0029)

Weichert, Topping do not explicitly disclose accessing a stored value card first and credit card second.

Hirka teaches;

a variety of payment methods and default criteria are anticipated (0051). It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to combine the multi account disclosures of Weichert with the multiple criteria of Hirka for motivation of customer convenience. (0002)

2. Claims 2, 4,15,21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weichert in view of Hirka and Ianacci, further in view of US Patent Application Publication to Blagg, 2004/0049452

As per claim 2; Weichert discloses; comprising sending by said computer one bill to an account holder associated with said common account identifier, (0058 Weichert, billing)

Art Unit: 3691

Weichert (058), Hirka and Ianacci, do not explicitly disclose consolidated billing (Ianacci discloses consolidated accounts, col. 35 , lines 25-35).

Blagg teaches wherein said bill reporting information relates to both of said first and second transaction accounts. (0068) in a multiple credit line presentation instrument. It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to combine the billing disclosures of Weichert with the consolidated billing of Blagg for the motivation of simplifying the life of a user while facilitating the use of multiple accounts with the same card. (0004)

As per claim 4, Weichert discloses;

recognizing by said computer said common account identifier as being associated with more than one account; (0030-2)

determining, by said computer based on said selection criteria, at least one of said first and second transaction accounts to access for processing said transaction, resulting in a selected transaction account;(0030-1)

accessing by said computer said selected transaction account system based on said determining step(0030-1);

Weichert, Hirka and Ianacci do not explicitly disclose;

receiving by said computer a reconciliation file including said common account identifier and processing the reconciliation file via a system associated with said selected transaction account.

Art Unit: 3691

Blagg teaches capability to settle accounts as a group or separately (0073) and consolidated billing (068) which would include; receiving a reconciliation file including said common account identifier; processing the reconciliation file via a system associated with said selected transaction account. (0073) It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to combine the multiple account disclosures of Weichert with the separate or combined settlement of consolidated accounts of Blagg for the motivation of allowing account holders to enjoy the convenience of multiple accounts with one card or device. (0004)

As per claim 15, Weichert discloses;

first transaction account includes a credit account (0030-2), could be either debit or credit) and said second transaction account includes a stored value account, (0030-2) (could be either) and wherein one of said first and second transaction accounts is represented by a physical instrument (0106) having associated therewith indicia representing said common account identifier,

Weichert, Hirka and Iannacci do not explicitly disclose a first account being a credit card and the second account being shared value. (Hirka does not exclude this combination and one of ordinary skill in the art might recognize Hirka to be modifiable or usable as such and Iannacci allows the use of master card or debit cards, col. 17)

Blagg teaches a variety of combinations (0037) for the purpose of meeting customer needs. It would therefore have been obvious to one of ordinary skill in the art at the time

Art Unit: 3691

of the invention to combine the multi account disclosures of Weichert with the account choice teachings of Blagg for the motivation of user convenience, (0004)

As per claim 21, Weichert, Topping, Hirka and Ianacci do not explicitly disclose; a single billing statement is presented showing information about transactions on the credit card account and the stored value account.

Blagg teaches a single billing statement is presented showing information about transactions on the credit card account and the stored value account. It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to combine the disclosure of Weichert related to multiple accounts with the multiple billing of Blagg for the motivation of customer convenience. (0004)

As per claim 23, Weichert discloses; 23] The process of claim 22, wherein another of said card holder transaction accounts includes a stored value account. (039-041)

As per claim 24, Weichert discloses; wherein at least one of said cardholder transaction accounts is an external transaction account. (032 and 044, no limitations on types of accounts is disclosed)

As per claim 25, Weichert discloses; The process of claim 22, wherein said remote terminal is a card reader. (0049)

Art Unit: 3691

Claim 22 is rejected for similar reasons as claims 1, 9. However, claim 22 is directed to a plurality of accounts (see Ianacci for example, col. 19, 35-50) And further claim 22 adds variety of combinations of cards wherein only one of said card-hold transaction accounts comprises a credit card account.

Blagg teaches a variety of combinations of cards which would include the combination where (0037) wherein only one of said card holder transaction accounts comprise a credit card account. It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to combine the multiple account linkage disclosures of Weichert with the variety of accounts of Blagg to create a linked account where only one credit card was used for the motivation of convenience to the customer who might require only a specific set of choices such as 1 credit card and other cards (0004)

Response to Arguments

Claims 1-25 presented for examination. On 2/8/10, applicant filed an amendment, amending claims 1-6, 8-9,13,14,22, and 25. After careful consideration of the applicant's arguments and amendments, the examiner finds them to be moot in view of new grounds of rejection. This action is a non-final Rejection of the claims.

In view of Applicant's amendment, the grounds of rejection based on 35 USC 101 are hereby withdrawn.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRUCE I. EBERSMAN whose telephone number is (571)270-3442. The examiner can normally be reached on 630am-5pm, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Kalinowski/
Supervisory Patent Examiner, Art Unit 3691

Bruce I Ebersman
Examiner
Art Unit 3691

Application/Control Number: 10/711,290
Art Unit: 3691

Page 17